IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2242 OF 2007

Mahmamad Shafi Sardar Patel] .. Petitioner

Versus

The State of Maharashtra] .. Respondent

Mr. Yogesh Jaybhaye (appointed Advocate) for the petitioner.

Mr. A.S. Gadkari, APP, for the respondent.

CORAM: S.B. MHASE &
SMT.V.K. TAHILRAMANI, JJ.

DATED: 19TH DECEMBER, 2007

P.C. :

1. Heard learned Advocate for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner has preferred this Petition through jail. The petitioner has prayed that he be released on furlough. Petitioner had preferred an application for furlough which came to be rejected by the order dated 26th September, 2007. The ground for rejecting the application for furlough is that the surety which has been furnished by the petitioner is not found to be suitable surety, the reason being that when

enquiries were made at the residence of the surety, it was found that he was not residing there. However, copies of the 7 X 12 extract have been furnished by the surety which pertain to Nilegaon Tulzapur District Osmanabad wherein the name of the surety is found. The genuineness of the 7 X 12 extract has not been disputed by the prosecution. Besides this, an Affidavit has been filed by the surety stating that he is residing at House No.30, Millat Nagar, Solapur Bijapur Road, Solapur. The contents of the affidavit also have not been controverted.

3. In view of the 7 X 12 extract and in view of the Affidavit filed, we are of the opinion that the petitioner can be released on furlough on furnishing the said surety i.e. Syed Basha Mahboob Inamdar. Looking to the facts and circumstances of this case, the Writ Petition is allowed. The petitioner to be released on furlough on furnishing surety of Syed Basha Mahboob Inamdar on usual terms and conditions.

4. The fees of the appointed Advocate is quantified at Rs.1,000/-.

5. Writ Petition is, accordingly, disposed of.

Sd/-
[SMT.V.K. TAHILRAMANI, J.]

Sd/-
[S.B. MHASE, J.]